

L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE
EIGHTY-SIXTH SESSION

OF THE
LEGISLATURE,

BEGUN JANUARY SIXTH, AND ENDED APRIL TWENTY-FIFTH, 1863, IN THE
CITY OF ALBANY.



ALBANY:
WEED, PARSONS AND COMPANY, PRINTERS.
1863.

eighteen hundred and forty-one, and filed in Kings county clerk's office, April first, eighteen hundred and forty-two, as and by the number fifty-two, which is bounded and described as follows: Commencing at a point on the southerly line of the land of the Brooklyn and Jamaica Railroad Company, which said point is distant four hundred feet easterly from the easterly line of Vanderbilt avenue, running thence easterly along the lands of the said railroad company twenty-five feet to lot number fifty-four on said map; thence southerly along said last mentioned lot one hundred feet; thence westerly twenty-five feet to lot number fifty on said map, and thence northerly along said last mentioned lot one hundred feet to the point and place of beginning; together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining."

§ 2. This act shall take effect immediately.

Chap. 458.

AN ACT amending the charter of the village of Glens Falls, and empowering the trustees thereof to supply said village with pure and wholesome water.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees
may hold
real estate.

SECTION 1. For the purpose of supplying the village of Glens Falls with pure and wholesome water, the said village, through their trustees, may purchase, take and hold real estate, and by their said trustees, agents, servants or other persons employed, may enter upon the lands of any person or persons which may be necessary for said purpose, and may take the water from springs, ponds, fountains or streams, and divert and convey the same to said village; and may lay and construct any pipes, conduits, aqueducts, wells, reservoirs or other works or machinery necessary or proper for said purpose, upon any lands so entered upon, purchased, taken or

held. Said corporation may, as aforesaid, enter upon any lands, streets, highways, roads, lanes or public squares through which they may deem it proper to convey the water from said springs, fountains, ponds, streams, wells and reservoirs, and lay and construct any pipes, conduits, aqueducts or other works for that purpose, leaving the said lands, streets, highways, roads, lanes and public squares in the same condition, as nearly as may be, as they were before said entry; but the said corporation shall not, within the bounds of said village, lay and construct said pipes, conduits, aqueducts and other works through any private garden, court-yard or building lot, without the consent of the owner thereof.

§ 2. Before entering, taking or using any land for the purposes of this act, the said trustees shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of said purposes, and by which the land of each owner or occupant intended to be taken or used, shall be designated, and which map shall be signed by the engineer or surveyor making the same, and by the president of the board of trustees, and be filed in the office of the clerk of the county of Warren.

Survey and map to be made.

§ 3. In case the said corporation cannot agree with the said owners and occupants of any lands or water intended to be taken or used as aforesaid, for the purchase thereof, the said trustees may apply to the supreme court, at any general or special term thereof, held in the fourth judicial district, for the appointment of three commissioners, not resident within the corporate bounds of said village, or tax-payers therein, by whom the compensation to be paid for the damages suffered or to be suffered by any person or persons, by reason of taking said lands and water, and constructing any of the works of said company, shall be ascertained and determined; and in case of the death, resignation, refusal or disability to act, of any of said commissioners, the said court may appoint others in their places. The commissioners shall cause a notice of at least twenty days of the time and place of their meeting, to be served upon such of the owners of said land and water as can be found in this State, which may be served personally, or, in their absence from their dwellings or places of business, by leaving the same thereat, with some person of suitable age and discretion.

When commissioners to be appointed to ascertain damages and proceedings thereon.

And in case of any legal disability of such owner to act, then upon serving notice in like manner upon his or her guardian, or person appointed to act for him or her, as hereinafter directed, and in case any of said owners cannot be found in this State, such notice shall be given to them by publishing the same for six weeks successively, in a newspaper published in said county; and if any of said owners shall be insane, infants or idiots, the said court shall appoint some suitable person to attend in their behalf, before said commissioners, and take care of their interests in the premises. The commissioners may issue subpoenas to compel the attendance of witnesses to testify before them, and they or any of them may administer the usual oath or affirmation to such witnesses. They shall make a written report of all their proceedings, containing the testimony taken by them, and showing the sum awarded to each owner or other person, and return the same to the said court to be filed of record. The corporation shall pay to each commissioner the sum of three dollars per day for every day necessarily spent by him in the performance of his duties, and to each witness who the commissioners shall certify was necessarily subpoenaed, and who attended, the same fees fixed by law to be paid to witnesses in courts of record in civil causes.

Appeal therefrom to supreme court.

§ 4. The said corporation, or any party to the proceedings of the commissioners, may appeal to the supreme court from any award or determination of the commissioners, provided the party appealing shall within ten days after any such award shall be made, give notice in writing of the appeal, to the other party or parties interested in the same, or to his or their attorney, and the said court shall, at general term, on the usual notice on appeal, upon the report of the commissioners, proceed to hear the said appeal and may confirm said proceedings of said commissioners. or set the same aside and order a new appraisement by the same or other commissioners to be appointed by the court; and the said court may make such orders in reference to the proceedings of the commissioners and of the notices to be given to parties as may not be inconsistent with this act, and as the nature of the case and the interest of the parties may require.

When lands may be entered upon.

§ 5. Upon the payment, or legal tender, of the compensation finally awarded as aforesaid, the said corpora-

tion shall be entitled to enter upon, for the purposes contemplated by this act, all the lands, waters and real estate for which said compensation shall be paid or tendered as aforesaid, and to hold and use the same for the said purposes, to them and their successors forever. If any person to whom compensation shall be awarded, or who shall be entitled to the same by virtue of said award, cannot be found, or shall refuse to receive the sum awarded to him or her, then the said payment may be made by depositing the amount of said award to the credit of said person in either of the banks at Glens Falls; and a certificate of such deposit, signed by the cashier of the bank, shall be published by said corporation in a newspaper published in said county for four weeks successively, immediately after said deposit. If the person, to whom compensation is awarded, or who is entitled to receive the same as aforesaid, be under legal disability as aforesaid, payment may be made to his or her guardian, or person appointed as aforesaid by the said court; and if said guardian or person appointed cannot be found, then by deposit in bank as aforesaid.

§ 6. The said corporation shall also take and hold, for the purposes contemplated by this act, all the lands, waters and real estate which they shall in any way legally enter upon and take by virtue hereof.

When lands may be entered upon.

§ 7. The said corporation may establish rules and regulations for and concerning the conduct and government of all such persons as shall use the said water from their works, so far as respects the preservation, use, and restraining the use, and compensation for the use thereof, and may thereby impose penalties and forfeitures for any violation of said rules and regulations, not inconsistent with the laws of this State. Said rules and regulations shall be published for three weeks successively in a newspaper published in said village, and a copy of said rules and regulations, certified by the president of the board of trustees of said village, with affidavit of the publication of the same as aforesaid, made by the publisher of said paper, or by a foreman in his office, shall be received as evidence in all courts and places.

Rules relating to use of water.

§ 8. Any person who shall maliciously or willfully destroy or injure any of the works or property of said corporation, or who shall maliciously or willfully com-

Injury to works a misdemeanor.

mit any act which shall injuriously affect or tend thus to affect the water of said corporation, shall be guilty of a misdemeanor.

Trustees
may borrow
money.

§ 9. The trustees of said village are hereby authorized to borrow, on the credit of said village, for carrying out the purposes contemplated in this act, a sum of money not exceeding thirty thousand dollars, and for that purpose may issue bonds or certificates of indebtedness in the name and under the seal of said corporation, signed by the president of the board of trustees and the treasurer of said corporation, in sums of not less than five hundred dollars each, payable twenty years from the date thereof, with interest payable annually.

Tax may be
levied to
pay same.

§ 10. Due provision shall be made by tax for the payment of the principal and interest falling due on all said bonds or certificates of indebtedness, and such principal and interest shall be assessed, levied and raised in the same manner as any other public or general tax of said village, and in conjunction with the general taxes of said village.

Power of
trustees.

§ 11. The concerns and business of said corporation, contemplated by the provisions of this act, shall be managed and transacted by the trustees of said village, who are hereby vested with full power and authority in the premises.

§ 12. This act shall take effect immediately.

Chap. 459.

AN ACT in relation to the Hancock Union School.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Districts
Nos. 1 and 9
consolidated.

SECTION 1. School districts numbers one and nine of the town of Hancock, in the county of Delaware, are hereby consolidated for the purposes hereinafter specified, and shall hereafter form one school district, to be called "The Hancock Union School."

Corporators

§ 2. Albert G. Beebe, Edmund B. Smith, Charles P. Jewel, Samuel C. Pettingill, Charles Cresson and Stedman Lincoln and their successors in office to be elected